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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,064	12/27/2001	James M. Foley	03292.101170.	3303
66569 7590 03/23/2009 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER PYZOCHA, MICHAEL J				
ART UNIT 2437		PAPER NUMBER		
MAIL DATE 03/23/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/035,064

Applicant(s)

FOLEY ET AL.

Examiner

MICHAEL PYZOCHA

Art Unit

2437

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7, 14-16, and 19-22 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/23/2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 14-16, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nevarez et al. (US 5781724) in view of Stockwell et al. (US 5950195).

As per claims 1, 5, 14-16, 19, and 21, Nevarez et al. discloses receiving a method of authentication pre-selected by a user for access to the restricted service, wherein the restricted service requires a method of authentication in order to gain access to the restricted service; registering the user-selected method of authentication

(see column 3 line 32 through column 4 line 8); receiving at least one alternative method of authentication selected by the user from the plurality of methods of authentication for access to the restricted service; registering the at least one alternative method of authentication (see column 4 lines 21-29); wherein the pre-selected method of authentication is displayed to the user as the method of authentication for subsequent attempts to gain access to the restricted service without requiring subsequent re-registration of the pre-selected method, until such time as the user selects such different method of authentication (see column 3 line 32 through column 4 line 29).

Nevarez et al. fails to explicitly disclose causing the user interface to display a selection dialog box corresponding to at least one alternative method of authentication, wherein the input fields and the selection dialog box are presented on the same screen displayed on the user interface and wherein the user is enabled to select the at least one alternative method of authentication from a plurality of methods of authentication for access to the restricted service.

However, Stockwell et al. teaches causing the user interface to display a selection dialog box corresponding to at least one alternative method of authentication, wherein the input fields and the selection dialog box are presented on the same screen displayed on the user interface and wherein the user is enabled to select the at least one alternative method of authentication from a plurality of methods of authentication for access to the restricted service (see column 6 lines 16-27 and column 8 lines 11-13).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow a user of Nevarez et al. to select one of a plurality of authentication methods for access to the restricted service.

Motivation, as recognized by one of ordinary skill in the art, to do so would have been to allow the user to select the suitable authentication scheme.

As per claims 2, 6, 20, and 22, the modified Nevarez et al. and Stockwell et al. system discloses the method of authentication includes at least one of user identification and password; user identification and pass-phrase; smart card and PIN; smart card and digital certificate; biometrics; sound verification; radio frequency and password; infrared and password; and handheld computing device and digital certificate (see Nevarez et al. column 3 line 32 through column 4 line 8 and Stockwell et al. column 6 lines 16-27).

As per claims 3 and 7, the modified Nevarez et al. and Stockwell et al. system discloses enabling the user to select more than one method of authentication for access to the restricted service (see Nevarez et al. column 4 lines 21-29 and Stockwell et al. column 6 lines 16-27).

As per claim 4, the modified Nevarez et al. and Stockwell et al. system the step of registering the user-selected method of authentication as a minimum level of security for authentication for the user (see Nevarez et al. column 3 line 32 through column 4 line 8).

The registered method of authentication is a minimum level of security for authentication because at least the selected method must be performed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7, 14-16 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smithies et al. teaches a method of displaying a list of authentication methods for a user to select from.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOSKA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2437

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Pyzocha/
Examiner, Art Unit 2437